
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-51 **Legistar #:** 20141103

Board of Zoning Appeals Hearing: Monday, October 27, 2014 – 6:00 p.m.

Property Owner: Wellstar Health System, Inc.,
a Georgia Non-profit Corporation
793 Sawyer Road
Marietta, GA 30062

Applicant: Richard W. Calhoun, Esq.
Agent for Owner
Wellstar Health System, Inc.
49 Atlanta Street
Marietta, GA 30060

Address: 2175 Cobb Parkway South

Land Lot: 08050 **District:** 17 **Parcel:** 0140

Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow a 2'x 58' sign on a 6'x 100' retaining wall.
2. Variance to allow two detached signs along one road frontage. §714.04 (F.)
3. Variance to increase the allowable sign face from 90 sq. ft. to 192 sq. ft. §714.04 (F.) Table H.
4. Variance to increase the allowable sign structure from 90 sq. ft. to 288 sq. ft. §714.04 (F.) Table H.

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



2175 Cobb Pkwy S

Recommended Action:

Denial. Richard Calhoun for Wellstar Health System, Inc. is requesting variances to construct signs at 2175 Cobb Parkway South. The property is zoned CRC (Community Retail Commercial) and is the former location of Joe's Crab Shack restaurant, which has been demolished, although the parking lot and infrastructure is still intact. A car dealership, also zoned CRC, abuts the property to the north. To the south and east is property, zoned OI (Office Institutional), owned by Kennestone Hospital (according to City records). This property serves as a rear access driveway to Wellstar Windy Hill Hospital.

The hospital is proposing to build two signs along the Cobb Parkway South frontage. The first sign is proposed to be placed on a 100' wide and 6' tall retaining wall along Cobb Parkway South. *Note: walls must be placed at least 2' from the right-of-way and there appears to be a conflict with a water vault structure.* The sign area will be 2' x 58' and the sign structure will be externally illuminated. The Sign Ordinance does not address signage on retaining walls or how to regulate them. If they are regulated as wall signs, they may not cover more than 15% of the wall they are placed on. In this case, the sign would cover 19.4% of the retaining wall. If the sign is treated as a detached sign, then it would need variances for a second sign, the face area (90 sq. ft.) and structure area (90 sq. ft.), as well as the 5' setback.

The second sign is a "V" shaped sign with an internal angle of at least 55°. Because of this, the area of both sides of the sign is counted towards the sign area allowance instead of just one side. As a result, the sign face area of 192 sq. ft. and sign structure area of 288 sq. ft. exceeds the 90 sq. ft. allowed by the Sign Ordinance, and would need variances in order to be constructed as proposed.

It is worth noting that this site is 1.8 acres and Wellstar currently has no plans to develop the site; however, the site would be large enough to accommodate a building in the future. If a new building were to be built in the future, it would likely need additional signage beyond what is being proposed in this application.

While hospital entrances should be highly visible and clearly marked, it does not justify the increases that the applicant is seeking. There appears to be no hardship with respect to the size and location of the proposed signs on this site. On the contrary, the topography of the site is advantageous in that the site rises towards the rear of the property and would make a sign more visible. A sign with an interior angle less than 45° - with the sign height, area, and face area complying with code - should be just as visible as the proposed sign. ***Although there are parts of this request staff could support because of the safety issues, there are still concerns that the increases in the variances are too large. Based on these concerns, staff recommends denial of this variance request.***